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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/08/2004

Thomas Patrick Keller

M-648

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08/23/2006

PAXAR AMERICAS, INC.

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,212	Applicant(s) KELLER, THOMAS PATRICK	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 15-28 is/are rejected.
- 7) ☒ Claim(s) 5, 14, and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further consideration by the Examiner, the previous Final Office Action dated December 29, 2005 is hereby **withdrawn** by the Examiner in lieu of the following Non-Final Office Action. Additionally, note the indicated allowability of claims 19 and 21-22 is hereby withdrawn in view of the newly discovered reference(s) to Schroeder et al. (US 5,779,370). Rejections based on the newly cited reference(s) (as well as other newly presented prior art rejections) follow.

Claim Objections

2. Claims 7, 16, 19, 24-25, 27-28, and 31 are objected to because of the following informalities:

With respect to claim 7, the term “the print head” in line 3 has no proper antecedent basis since no print head has been previously recited in the claims.

With respect to claim 16, it is suggested that the term “a linerless web” in line 3 be deleted and replaced with --the linerless web-- since the linerless web was previously recited in claim 13. Additionally, it is suggested that the term “tacky adhesive” in line 3 be deleted and replaced with --the adhesive-- since the adhesive was also previously recited in claim 13.

With respect to claim 19, it is suggested that the term “the tacky adhesive” in line 3 be deleted and replaced with --a tacky adhesive-- since no tacky adhesive was previously recited in the claim.

Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claim 24 recites particular details of the size of the grooves. However, the grooves are not part of the positively recited structure of the platen roll set forth in claim 23. Therefore, claim 24 fails to recite any further limitation of the structure of the printer defined in claim 23 and therefore does not appear to be a proper dependent claim. Additionally, in claim 24, it is suggested that the term "a linerless web" in line 3 be deleted and replaced with --the web of linerless label material-- to use consistent terminology with that recited in claim 23. Additionally, in line 3 of claim 24, it is suggested that the term --the-- be inserted before "tacky adhesive" since the tacky adhesive was previously recited in claim 23.

Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claim 25 is merely a functional recitation of a desired mode of operation of the printer and fails to recite any further limitation of the structure of the printer defined in claim 23 and therefore does not appear to be a proper dependent claim. Additionally note the preamble of claim 25 is not consistent with the preamble of claim 23 and it is suggested that the phrase "or for" be deleted from line 1 of claim 25. Finally, note that the term "a

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linerless web” in line 2 should be deleted and replaced with --the web of linerless label material-- to use consistent terminology throughout the claims.

With respect to claims 27-28, it is suggested that the term --a-- be inserted before “tacky adhesive” in line 2 of each claim to correct an obvious typographical error.

With respect to claim 31, it appears that the term “its” in line 6 should be --in-- to use less awkward claim language.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-4, 9-11, 13, 15, 17, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Galber (US 2,188,456). With respect to claims 1, 9, 13, and 17, Galber teaches a method comprising providing an adhesive resistant, elastomeric rotatable “platen” roll 1, providing a “web stripper” 6 having at least one tip portion depressing into the outer surface of the platen roll 1 and positioned to cut at least one circumferential groove in the outer surface of the platen roll, and rotating the platen roll

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to cut the groove. See Figures 1-2 and pages 2-3 of Galber in particular. Note that the roll of Galber is comprised of rubber (i.e., an elastomeric material) and is used as an applicator to apply glue to a substrate and can therefore be considered to be “adhesive resistant” (i.e., glue does not stick to the roller surface) to some extent. Furthermore, since applicant has not defined the term “web stripper” in the claims to have any particular web stripping function, the cutter 6 of Galber can broadly be considered to be a “web stripper” as presently recited. Finally, since applicant has also not clearly defined the term “platen” roll in the claims, the roll of Galber can broadly be considered to be a platen roll as recited, particularly since Galber states that the roll can be used as part of a pair of rolls cooperating to apply glue to surfaces of plywood and would therefore have a platen roll type function (i.e. supporting a substrate during printing or coating) to some extent.

With respect to claim 3-4, note Galber teaches the tip portion of the “web stripper” 6 is sharp and pointed as shown in Figures 2 and 5-6 in particular.

With respect to claims 10 and 11, note Galber teaches the plurality of grooves formed by the tip portion are essentially the same size and are no wider than the respective tip portion, as shown in Figure 2 and described in lines 28-34 (left-hand side) of page 3 in particular.

With respect to claim 15, note Galber teaches the roll is continuously rotated after the initial cutting of the groove (caused by initial contact between the web stripper 6 and roll surface) and thereby the tip portion of the web stripper can be considered to remain in the groove during subsequent rotation of the roll.

With respect to claims 26 and 28, Galber teaches the combination of a roll 1 having an adhesive-resistant, elastomeric outer surface (i.e., a roll made of rubber and used as an applicator for spreading glue) and a stripper 6 with a tip portion pressed into the outer surface of the roll and positioned to cut at least one circumferential groove in the outer surface of the roll and being broadly capable of facilitating stripping of a web from the roll.

5. Claims 18, 23-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkof et al. (US 6,585,437 B1). Wilkof et al. teach a printer including a print head 405 and a cooperable platen roll 404 for printing on a linerless web (column 5, lines 6-10) having a printable face side 202 and an underside with a tacky adhesive 101, the platen roll 404 having an adhesive-resistant elastomeric outer surface (column 5, lines 36-43), and a web stripper 1203 with a tip portion positioned to cut at least one circumferential groove in the outer surface of the platen roll. See Figures 3, 7-9, and 12 and column 8, lines 14-43 in particular. Note that the claim language does not require the platen to actually have grooves in the roller, but merely to have a web stripper positioned so as to be capable to cut groove(s) in the platen. Since the web stripper 1203 of Wilkof et al. is positioned with the tip portion in contact with the outer surface of the platen roll (see column 8, lines 23-25), it would therefore be positioned so as to be capable of cutting at least one circumferential groove in the outer surface of the platen roll (for example, by rubbing away the roller surface over time through the direct frictional contact between the web stripper 1203 and the rotating roller surface) and therefore meets the claim language.

With respect to claims 24-25, to the extent the claims are proper dependent claims, note that the structure of Wilkof et al. is capable of providing grooves that are small enough so as to not degrade print quality when printing and to allow the web stripper tip portion 1203 to be in the groove while using the print head 405 and platen roll 404 to print on the linerless web.

With respect to claims 26 and 28, Wilkof et al. teach the combination of a roll 404 having an adhesive-resistant, elastomeric outer surface (column 5, lines 36-43) and a stripper 1203 with a tip portion pressed into the outer surface of the roll (column 8, lines 23-25) and positioned to cut at least one circumferential groove in the outer surface of the roll and to facilitate stripping of the web from the roll. Again, note that the claim language does not require the platen to actually have grooves in the roller, but merely to have a web stripper *positioned so as to be capable to cut groove(s) in the platen*. Since the web stripper 1203 of Wilkof et al. is positioned with the tip portion in contact with the outer surface of the platen roll (see column 8, lines 23-25), it would therefore be positioned so as to be capable of cutting at least one circumferential groove in the outer surface of the platen roll (for example, by rubbing away the roller surface over time through the direct frictional contact between the web stripper 1203 and the rotating roller surface) and therefore meets the claim language.

6. Claims 19-22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroeder et al. (US 5,779,370). Schroeder et al. teach a printhead 24 and a cooperable platen roll 27, the platen roll having an adhesive-resistant elastomeric outer surface 30 (see column 3, lines 38-44), a plurality of laterally spaced circumferential grooves 34 in

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the outer surface 30 of the platen roll 27, and a plurality of web stripper members 32, 32', 32" having tip portions (for example, either portions of members 32 shown in Figures 6A-6C or the portions of members 47--see Fig. 2B--and shown in dotted lines in Figure 4) extending into the grooves 34. See, in particular, Figures 2B, 4, and 6A-6C and columns 3-6 in particular.

With respect to claims 20 and 22, note the grooves 34 of Schroeder et al. are no wider than the tip portions, as shown, for example, in Figures 4 and 6A-6C.

With respect to claim 27, note Schroeder et al. teach the combination of a roll 27 with an adhesive-resistant, elastomeric outer surface 30 and a web stripper 32, 32', 32" with at least one tip portion extending into one of the grooves to facilitate stripping of the web from the roll. See Figures 2B, 4, and 6A-6C in particular and the above comments with respect to claims 19-22.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6-13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al. (US 5,779,370) in view of Galber (US 2,188,456).

With respect to claims 1, 9, 13, and 17, Schroeder et al. teach a method comprising providing an adhesive resistant, elastomeric, rotatable platen roller for a

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printer printing on a linerless web as recited, the platen roller including circumferentially spaced grooves cut into the surface of the platen roll (see, for example, column 6, lines 44-46). Although Schroeder et al. is silent with respect to the particular method in which these grooves are cut into the roller, note Galber teaches a method of cutting grooves into the surface of the rubber roller including providing a “web stripper” having at least a tip portion positioned to dig into the outer surface of the roll to cut at least one circumferential groove in the outer surface of the roll and rotating the roll to cut the grooves. In view of this teaching, it would have been obvious to one of ordinary skill in the art to cut the grooves in the platen roll of Schroeder et al. with a web stripper arrangement as taught by Galber to provide clean cutting of grooves into the rubber platen roller without any undesired rubbing or burning effect on the rubber surface.

With respect to claims 2 and 6-7, note that Schroeder et al. teach providing a thermal print head 24 cooperable with the platen roll 27 and providing a web having a tacky side 25 and a printable side 23 positioned between and in contact with the print head and platen roll and the web moves in contact with the rotating platen roll. See Figure 1 of Schroeder et al. Furthermore, it is noted that the claims as currently written do not require that all of the method steps must be performed within a printer structure, but instead the claim is so broadly recited that method steps set forth could be performed in two different structures or locations. Therefore, it is the Examiner’s position that the grooved platen roller of Schroeder et al. can be made by grooving the roller using a mechanism as taught by Galber and then after the grooves are formed, the platen roller is mounted in the printer of Schroeder et al. to perform the printing operation. With respect to claims 6-7 in particular, it is clear from the disclosure of

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Schroeder et al. that the printing operation occurs after the grooves have been cut in the roller.

With respect to claims 3-4, note Galber teaches the tip portion of the “web stripper” is sharp and pointed.

With respect to claims 8, 12, and 16, note Schroeder et al. teach making the recesses small enough such that they do not interfere with print quality when printing on the linerless web material in column 3, line 67 through column 4, line 2.

With respect to claims 10-11, note Galber teaches the plurality of grooves formed by the tip portion are essentially the same size and are no wider than the respective tip portion, as shown in Figure 2 in particular.

With respect to claim 15, note Galber teaches the roll is continuously rotated after the initial cutting of the groove roll after rotating of the roll to cut the groove.

Allowable Subject Matter

9. Claims 5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 31 is objected to for the reason set forth above, but would be allowable if rewritten to overcome the above objections to the satisfaction of the Examiner.

11. The following is a statement of reasons for the indication of allowable subject matter:

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With respect to claims 5 and 14, the prior art of record fails to teach or fairly suggest a method comprising all of the steps as recited, in combination with and particularly including, the step of rotating the roll to cut the groove and printing on the web while the web moves and while the tip portion of the web stripper cuts the groove in the rotating roll.

With respect to claim 31, the prior art of record fails to teach or fairly suggest the combination of a printer, platen roll, print head, and web stripper as specifically recited, in combination with and particularly including, the web stripper being adjustably secured to the rigid bar secured to the printer frame and being able to be brought into and maintained in stripping relationship to the platen roll, and wherein the web stripper includes cutters positioned to cut grooves in the outer surface of the platen roll and to assist in stripping the web from the platen roll.

Conclusion

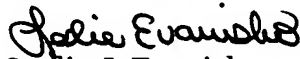
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marinoff (US 4,285,507), Miller (US 2,348,355), Ishiguro et al. (US 3,955,889), and MacNiel (US 5,368,291) each teach a cylinder with circumferentially spaced grooves and a web stripper that engages with the grooves to aid in stripping material from the cylinder. Suzuki (JP 11-221948) teaches a linerless label printer including a stripper mechanism having obvious similarities to the claimed subject matter. Streckfus (US 3,196,720) teaches a tool for cutting grooves in rubber cylinders having obvious similarities to the claimed subject matter.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
August 15, 2006


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER